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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,158	12/18/2001	Kaori Ogura	016907/1340	6602
22428	7590	10/05/2006	EXAMINER	
FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			PHAM, THIERRY L	
			ART UNIT	PAPER NUMBER
			2625	

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/020,158	OGURA, KAORI	
	Examiner	Art Unit	
	Thierry L. Pham	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- This action is responsive to the following communication: an Amendment filed on 6/30/06.
- Claims 1-27 are pending, wherein claims 22-27 are newly added.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, 8, 9, 11, 15, 16, 18, 22-27 are rejected Under 35 U.S.C. 103(a) as being unpatentable over Iga (US 2002/0143924 A1), Kobayashi et al. (US 6101576), and further in view of

Regarding claims 1, 8, and 15 Iga discloses a data updating method for updating data stored in memory of an image forming apparatus (Fig. 2), comprising:

- receiving electronic mail that calls for updating of the data stored in the first memory from external device (Page 1 par. 0009; Page 5-6 par. 0050);
- executing updating processing for the data stored in the first memory, based on the downloaded updating data (Fig. 13; Page 1 par. 0009; Page 5-6 par 0050).
- downloading updating data from a device (14) on a network (18) based on contents of the electronic mail when the image forming apparatus;

Iga does not disclose saving data, which has been stored in the first memory in a second memory; rewriting the data saved in the second memory, which is the unupdated data stored in the first memory into the first memory when an error occurs in data updating processing.

Kobayashi et al. discloses saving data, which has been stored in the first memory in a second memory (Col. 5 lines 19-27); rewriting the data saved in the second memory, which is the unupdated data stored in the first memory into the first memory when an error occurs in data updating processing (Col.1 lines 29-32; Col. 3 lines 10-15).

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Iga and Kobayashi et al. are combinable because they both incorporate image processing. It would have been obvious at the time of invention for one of ordinary skill in the art to combine Iga with Kobayashi et al. The reason for doing so would have been have data saved in a second memory in case an error occurs causing the data to vanish in the first memory as taught by Kobayashi et al. in Cole 1 lines6-10.

Combinations of Iga and Kobayashi do not teach and/or suggest determining whether or not the image forming apparatus is in a standby state after receiving the electronic mail.

Okazawa, in the same field of endeavor for printing, teaches a well-known example of determining whether or not the image forming apparatus (figs. 5-8, abstract, col. 2, lines 15-32 and col. 3, lines 1-15) is in a standby state after receiving the electronic mail (commands sent from host, col. 2, lines 15-32).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify inventions of Iga and Kobayashi to include a method for determining whether an image forming apparatus is in standby state as taught by Okazawa because of reasons for operation environment of the system as a whole can be improved (col. 9, lines 1-5) by updating software/firmware (as taught by Iga) while the image forming apparatus is in standby state to prevent interrupting and delaying print job in that is currently being processed.

Therefore, it would have been obvious to combine Iga and Kobayashi with Okazawa to obtain the invention as specified in claims 1, 8, and 15.

Regarding claims 2, 9, and 16 Iga further teaches the data updating method for the image forming apparatus (Fig. 2), wherein the electronics mail sent from the external device (14) includes information indicating data to be updated, and information indicating which device on the network holds the updating data (page 4 par. 041; Page 5-6 par. 0050).

Regarding claims 4, 11, and 18 Iga, discloses the data updating method for the image forming apparatus (Fig.. 2) further comprising: causing the image forming apparatus to notify the external device of a result of the data updating process (Page 5-6 par. 0050. Page 6 par. 0050).

Regarding claims 22, 24, and 26, Kobayashi further teaches the data updating method for image forming apparatus according to claim 1, further comprising prohibiting (col. 46, lines 28-32) operations other than the update processing from being executed in the image forming apparatus when initiating the update processing based on the electronic mail.

Regarding claims 23, 25, and 27, Okazawa further teaches the data updating method for image forming apparatus according to claim 22, further comprising displaying that the image forming apparatus is in non-active state (fig. 7) when execution of the operation other than the update processing is being prohibited.

Claims 3, 10, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iga Kobayashi, and Okazawa, and further in view of Yoshida et al. (US 6130757).

Regarding claims 3, 10, and 17 Iga, as modified by Kobayashi et al. does not disclose the data updating methods for the image forming apparatus, wherein said executing updating processing includes: writing the updating data once again if the writing of the updating data in the memory fails and a number of times of failure is within a predetermined number; and determining that an error occurs in data updating processing if the number of times of failure reaches said predetermined number.

Yoshida et al., discloses the data updating methods for the image forming apparatus (5), wherein said executing updating processing includes: writing the updating data once again if the writing of the updating data in the memory fails and a number of times of failure is within a predetermined number; and determining that an error occurs in data updating processing if the number of times of failure reaches said predetermined number (Fig.. 27; Col 19 line 54-Col 20 line 5). Iga, as modified by Kobayashi et al, and Yoshida et al. are combinable because they both incorporate using an image forming apparatus.

It would have been obvious at the time of the inventions for one skilled in the art to combine Iga, as modified by Kobayashi and Okazawa, with Yoshida et al.

The motivation for doing so would be to have the data updating methods for the image forming apparatus (5), wherein said executing updating processing includes: writing the updating data once again if the writing of the updating data in the memory fails and a number of times of

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failure is within a predetermined number; and determining that an error occurs in data updating processing if the number of times of failure reaches said predetermined number as taught by Yoshida et al in Fig. 27 and in Col 19 line 54 - Col 20 line 5.

Therefore, it would have been obvious to combine Yoshida et al. with Iga, as modified by Kobayashi and Okazawa, to get the invention discloses in claims 3, 10, and 17.

Claims 5, 6, 7, 12, 13, 14, 19, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iga, Kobayashi, Okazawa as described in claims 1, 8, and 15 above, and further in view of Foster (US 6675382 B1).

Regarding claims 5, 12, 19, Iga, as modified by Kobayashi et al., does not disclose the data updating methods for the image forming apparatus further comprising: a determination section which determines whether or not data updating is necessary based on the contents of the electronic mail when the image forming apparatus had received the electronic mail from the external device, wherein the updating data is downloaded from the device on the network bases on the contents of the electronic mail when the data updating is determined to be necessary by the determination section.

Foster, discloses the data updating methods for the image forming apparatus further comprising: a determination section which determines whether or not data updating is necessary based on the contents of the electronic mail when the image forming apparatus had received the electronic mail from the external device; wherein the updating data is downloaded from the device on the network bases on the contents of the electronic mail when the data updating is determined to be necessary by the determination section(Fig. 6; Col lines 18-47).

Iga, as modified by Kobayashi, Okazawa, and Foster are combinable because the both disclose and apparatus containing software.

It would have been obvious at the time of the invention for one skilled in the art to combine Iga, as modified by Kobayashi and Okazawa with Foster.

The motivation for doing would be to have the data updating methods for the image forming apparatus further comprising: determining whether or not data updating is necessary based on the contents of the electronic mail when the image forming apparatus had received the electronic mail from the external device, and where in the updating data is downloaded from the

device on the network bases on the contents of the electronic mail when the data updating is determined to be necessary as taught by Foster in Fig. 6 and Col lines 18-47.

Therefore it would have been obvious to combine Iga, as modified by Kobayashi and Okazawa with Foster to get the inventions disclosed in claims 5, 12, and 19.

Regarding claims 6, 13, and 20, Foster further teaches the data updating method for the image forming apparatus wherein said determining whether or not the data updating is necessary includes comparing the version information included in the electronic mail with version information on the data stored in the first memory, and determining whether of not updating is required with respect to the data stored in the first memory (Fig. 6; Col lines 18-47).

Regarding claims 7, 14, and 21, Foster further teaches the data updating method for the image forming apparatus further comprising: causing the image forming apparatus to notify the external device that data updating based on the electronic mail is unnecessary, when the data updating is determined to be unnecessary (Fig. 6; Col lines 18-47).

Response to Arguments

Applicant's arguments with respect to claims 1, 8, and 15 have been considered but are moot in view of the new ground(s) of rejection due to newly added features/limitations.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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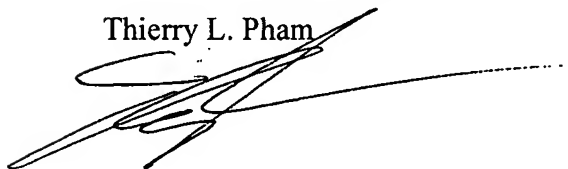
CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thierry L. Pham whose telephone number is (571) 272-7439. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thierry L. Pham



GABRIEL I. GARCIA
PRIMARY EXAMINER